

REMARKS/ARGUMENTS

I. 35 USC 112, 2nd paragraph

In the Office Action of August 21, 2008, claims 2-5 were rejected under 35 USC 112, second paragraph as being indefinite. Claims 2-5 were amended in the RCE of February 21, 2009. Applicants submit that, as amended, claims 2-5 are in accordance with 35 USC 112, second paragraph, and withdrawal of this rejection is respectfully requested.

II. 35 USC 102(a)

Tonkin, US 6,615,537. In the Office Action of August 21, 2008, claims 1-3 and 9-15 were rejected under 35 USC 102(a) as being anticipated by Tonkin, US 6,615,537. The Applicants respectfully disagree. In the RCE filed February 20, 2009, claims 9, 14 and 15 were canceled, and claims 1-3 and 10-13 were amended. In view of these claim amendments, and as asserted by Dr. Hiroshi Yoshioka in the enclosed Declaration under C.F.R. 1.132 and exemplified in the accompanying Exhibit 1, Tonkin does not disclose "*A plant cultivating system, comprising . . . non-porous hydrophilic film being placed on . . . aqueous fertilizer solution . . .*" as recited in amended claim 1. As discussed in the Declaration and in Exhibit 1, Tonkin teaches that only water is placed under the film since the film is nonporous (see pages 1-3 of Exhibit 1). In this way, Tonkin does not anticipate or suggest the teaching of an aqueous fertilizer solution as recited in claim 1 from which claims 2-3 and 10-13 depend. In view of the claim amendments and remarks filed February 20, 2009, as well as the enclosed Declaration and Exhibit 1, the Applicants submit that claims 1-3 and 10-13 are not anticipated by Tonkin, and withdrawal of this rejection is respectfully requested.

Mori et al., EP 1 203 525. In the Office Action of August 21, 2008, claim 1 was rejected under 35 USC 102(a) as being anticipated by Mori et al., EP 1 203 525. The Applicants respectfully disagree. Claim 1 was amended with the RCE filed February 20, 2009. In view of this amendment, and as asserted by Dr. Hiroshi Yoshioka in the enclosed Declaration and exemplified in Exhibit 1, Mori et al., do not disclose "*A plant cultivating system comprising . . .*"

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non-porous hydrophilic film being placed on . . . aqueous fertilizer solution . . . " as recited in amended claim 1. As discussed in Exhibit 1, Mori et al., teach that only water is placed under the film since the film is nonporous (see Exhibit 1, pages 1-3). In this way, Mori et al., do not anticipate or suggest the teaching of an aqueous fertilizer solution as recited in claim 1. In view of the claim amendments and remarks filed February 20, 2009, as well as the enclosed Declaration and Exhibit 1, the Applicants submit that claim 1 is not anticipated by Mori et al., and withdrawal of this rejection is respectfully requested.

III. 35 USC 102(b)

Wright, EP Appln No. 0 268 556. In the Office Action of August 21, 2008, claims 7 and 8 were rejected under 35 USC 102(b) as being anticipated by Wright, EP Appln No. 0 268 556. The Applicants respectfully disagree. Claims 7 and 8 were amended with the RCE filed February 20, 2009. In view of these amendments, and as asserted by Dr. Hiroshi Yoshioka in the enclosed Declaration and exemplified in Exhibit 2, Wright does not disclose a "non-porous hydrophilic film" as recited in claims 7 and 8. In contrast, Wright discloses a porous "membrane" (see Exhibit 2, pages 1-2). In view of the amendments and remarks filed February 20, 2009, as well as the enclosed Declaration and Exhibit 2, the Applicants submit that claims 7 and 8 are not anticipated by Wright, and withdrawal of this rejection is respectfully requested.

IV. 35 USC 103(a)

Tonkin, US 6,615,537. In the Office Action of August 21, 2008, claim 4 is rejected under 35 USC 103(a) as being unpatentable over Tonkin. The Applicants respectfully disagree. Claim 1 was amended in the RCE filed February 20, 2009, and as discussed above and in the enclosed, Tonkin does not suggest the aqueous fertilizer solution of claim 1, from which claim 4 depends. Accordingly, claim 4 is not suggested by Tonkin. In view of the amendments and remarks filed February 20, 2009, as well as the enclosed Declaration and Exhibit 1, the Applicants submit that claim 4 is patentable over Tonkin, and withdrawal of this rejection is respectfully requested.

Mori et al., EP 1 203 525. In the Office Action of August 21, 2008, claim 5 is rejected under 35 USC 103(a) as being unpatentable over Mori et al. The Applicants respectfully disagree. Claim 1 was amended in the RCE filed February 20, 2009, and as discussed above and in the enclosed, Mori et al., do not teach or suggest the aqueous fertilizer solution of claim 1, from which claim 5 depends. Accordingly, claim 5 is not suggested by Mori et al. In view of the amendments and remarks filed February 20, 2009, as well as the enclosed Declaration and Exhibit 1, the Applicants submit that claim 5 is patentable over Mori et al., and withdrawal of this rejection is respectfully requested.

Mori et al., Wright EP Appln. 0 268 556. In the Office Action of August 21, 2008, claim 6 is rejected under 35 USC 103(a) as being unpatentable over Mori *et al.*, in view of Wright. The Applicants respectfully disagree. Claim 6 was amended in the RCE filed February 20, 2009, to recite, " . . . *said non-porous hydrophilic film shows an integration strength of 10 g or more . . .* ". As discussed in the enclosed Exhibit 1 at pages 7-10 and specifically in Table A (page 8), the film of Mori et al., shows an integration strength of *less than 10g*. As discussed in the enclosed Exhibit 2 at pages 6-8 and specifically at the top of page 7, the integration strength using the working examples of Wright is *less than 10g*. Therefore, neither Mori et al, nor Wright produced " . . . *an integration strength of 10g or more . . .* ", as recited in claim 6, and such an integration strength is not suggested by either Mori et al., or Wright. Accordingly, the Applicants submit that claim 6 is patentable over Mori et al., in view of Wright, and withdrawal of the rejection is respectfully requested.

V. Conclusion

In view of the claim amendments and remarks filed in the RCE of February 20, 2009, together with the remarks above, the enclosed Declaration, and Exhibits 1 and 2, the Applicants submit that the pending claims distinguish over the art and are allowable. Reconsideration and a Notice of Allowance are respectfully requested.

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Respectfully submitted,

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By

A handwritten signature in black ink, appearing to read "John D. Carpenter", written over a horizontal line.

John D. Carpenter

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